

From the INTERNATIONAL BUREAU

PCTNOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

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MARSHALL GERSTEIN

Date of mailing (*day/month/year*)

16 November 2006 (16.11.2006)

Applicant's or agent's file reference

06005/41118

IMPORTANT NOTICE

International application No.

PCT/US2005/015391

International filing date (*day/month/year*)

04 May 2005 (04.05.2005)

Priority date (*day/month/year*)

04 May 2004 (04.05.2004)

Applicant

FISHER-ROSEMOUNT SYSTEMS, INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 06005/41118	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2005/015391	International filing date (<i>day/month/year</i>) 04 May 2005 (04.05.2005)	Priority date (<i>day/month/year</i>) 04 May 2004 (04.05.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant FISHER-ROSEMOUNT SYSTEMS, INC.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 8 sheets, including this cover sheet.																								
	In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44 <i>bis</i> .3(c) and 93 <i>bis</i> .1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44 <i>bis</i> .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 07 November 2006 (07.11.2006)</p> <p>Authorized officer</p> <p style="text-align: center; font-weight: bold;">Athina Nickitas-Etienne</p> <p>e-mail: pt04@wipo.int</p>
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PATENT COOPERATION TREATY

REC'D 14 SEP 2005

WIPO

PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

17/11

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2005/015391

International filing date (day/month/year)
04.05.2005

Priority date (day/month/year)
04.05.2004

International Patent Classification (IPC) or both national classification and IPC
G05B19/042

Applicant
FISHER-ROSEMOUNT SYSTEMS, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/015391

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2005/015391

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10,12,13,17-19,21,23,26
	No: Claims	11,14-16,20,22,24,25
Inventive step (IS)	Yes: Claims	
	No: Claims	1-26
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1 The following documents were cited in the International Search Report:

D1: US-A-5 168 441 (ONARHEIM ET AL) 1 December 1992

D2: WO 95/04314 A (FISHER-ROSEMOUNT SYSTEMS, INC) 9 February 1995

D3: US-B1-6 445 963 (BLEVINS TERRENCE L ET AL) 3 September 2002

2 Document D1 is considered to represent the most relevant state of the art for independent claim 1.

2.1 Document D1 discloses a user interface method for facilitating configuration of a process plant (D1, column 1, lines 11-15), the method comprising:

- a) segmenting a display 40 into at least a first portion 33, a second portion 45, and a third portion 43 (D1, column 10, line 47 to column 11, line 37 and figure 5);
- b) displaying in the first portion a workspace to create a simulation algorithm for at least a portion of the process plant, at least a portion of the simulation algorithm being defined by depictions of connections among process objects in the workspace (D1, column 5, lines 44-68 and figure 2);
- c) displaying in the second portion a library of process objects capable of being added to the workspace, at least one of the process objects in the library having at least one associated graphical representation of a physical entity in the process plant corresponding to the process object (D1, column 11, line 38 to column 12, line 2); and
- d) if a process object in the workspace is selected by a user, displaying ... indications of parameters of the selected process object (D1, column 14, lines 4-12),

from which the subject-matter of claim 1 only differs in that

- e) said indications are displayed in the **third portion** of the display.
- 2.2 However, feature e) is merely one of several straightforward possibilities from which the skilled person in the art of computer graphic displays would select, in accordance with circumstances, without the exercise of inventive skill.
- 2.3 Moreover, feature e) relates to a mere **presentation of information** (i.e., displaying information about an object on a computer screen) and cannot be seen to make any contribution, either independently or in combination with other features, to the solution of a technical problem (Rule 39(1)(v) PCT).
- 2.4 The subject-matter of claim 1 does therefore not involve an **inventive step** (Article 33(1) and (3) PCT).
- 3 Document D2 is considered to represent the most relevant state of the art for independent claim 11.
- 3.1 Document D2 discloses a system for facilitating configuration of a process plant (D2, page 1, lines 13-21), the system comprising:
- a) a process graphics editor 124 to facilitate creation or modification of a graphical representation of physical entities 112 in the process plant, the graphical representation adapted to be displayed on a display device 118 (D2, page 12, line 13 to page 13, line 19 and figure 4);
 - b) a process module editor to facilitate creation or modification of a process module, the process module including one or more interconnected process objects representative of one or more corresponding physical entities in the process plant, at least one of the process objects including a method adapted to perform a function using parameter data to produce an output related to process operation associated with the corresponding physical entities in the process plant (D2, page 10, line 20 to page 11, line 17 and figure 2);
 - c) a supervisor module communicatively coupled to the process graphics editor and

the process module editor, the supervisor module to detect a change made to the graphical representation of the physical entities in the process plant using the process graphics editor and to instruct the process module editor to make a corresponding change, if any, to the process module (D2, page 14, line 19 to page 15, line 29).

3.2 Thus, the combination of features of independent claim **11** is entirely disclosed by the device described in **D2**. Therefore, the subject-matter of claim **11** is **not new** (Article 33(1) and (2) PCT).

3.3 The same objection is raised mutatis mutandis for the corresponding independent method claim **20**.

4 Dependent claims

4.1 The features of dependent claims **2-5, 9 and 10** are already known from document D1. Consequently, the subject-matter of said dependent claims lacks an **inventive step** (Article 33(1) and (3) PCT) for the same reasons as already set out with respect to claim 1.

4.2 All additional features of dependent claims **14-16, 22, 24 and 25** are known from document D2. Therefore, said claims do not meet the requirements of the PCT with respect to **novelty** (Article 33(1) and (2) PCT).

4.3 The additional features of dependent claims **6-8 and 17-19** define only constructional details which are rendered obvious by document D3 in combination with documents D1 and D2, respectively. Therefore, said claims do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to **inventive step** (Articles 33(1) and (3) PCT).

4.4 The features set out in dependent claims **12, 13, 21, 23 and 26** relate to usual matters of design, which are unable to lend **inventive step** to any claim to which they refer (Articles 33(1) and (3) PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/015391

- 4.5 Dependent claims **9 and 10** are repeated and therefore are not **concise**, as required by Article 6 PCT.